

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.296 of 2020

Arising Out of PS. Case No.-403 Year-2019 Thana- PALIGANJ District- Patna

1. CHANDRASHEKHAR VERMA @ CHANDRASHEKHAR AND ORS
Son of Keshavnand Verma Resident of Village - Khapura, P.S.- Paliganj,
Distt - Patna.
2. Malti Devi @ Manti Devi Wife of Chandrashekhar Verma Resident of
Village - Khapura, P.S.- Paliganj, Distt - Patna.
3. Sonu Verma Son of Chandrashekhar Verma Resident of Village - Khapura,
P.S.- Paliganj, Distt - Patna.
4. Mantu Verma Son of Chandrashekhar Verma Resident of Village - Khapura,
P.S.- Paliganj, Distt - Patna.
5. Ankit Verma Son of Chandrashekhar Verma Resident of Village - Khapura,
P.S.- Paliganj, Distt - Patna.
6. Mannu Verma @ Munna Verma Son of Chandrashekhar Verma Resident of
Village - Khapura, P.S.- Paliganj, Distt - Patna.
7. Shashikant Verma@Shashikant Singh Son of Chandrashekhar Verma
Resident of Village - Khapura, P.S.- Paliganj, Distt - Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Amresh Kumar Sinha
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 22-02-2021 Heard the learned counsel appearing for the

appellants and Mrs. Usha Kumari-1, learned Special P.P. for the

State.

This is an appeal under Section 14(A)(2) of the
Scheduled Caste and Scheduled Tribe (Prevention of Atrocities)
Act, 1989 against the order dated 19.11.2019 passed by the
learned Addl. Sessions Judge-XX-cum-Special Judge, SC/ST,
Patna in Anticipatory Bail Petition No. 8682 of 2019, arising out



of Paliganj P.S. Case No. 403 of 2018 registered under Sections 379 and other allied sections of the Indian Penal Code and Sections 3 (r) (s) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, whereby and whereunder the prayer of the appellants for grant of anticipatory bail has been rejected.

The allegation is regarding the appellants herein having arrived at the house of the informant, whereafter they are said to have abused and assaulted her and when the husband of the informant had intervened, he was also assaulted by the appellants, more particularly the co-accused person namely Ankit Verma.

The learned counsel for the appellants has submitted that the appellants are innocent, have been falsely implicated in the present case and are having clean antecedent. The learned counsel for the appellants has further submitted that there is no allegation of use of any caste specific name for the purposes of abusing the informant, hence no offence is made out under the provisions of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989. Lastly, it is submitted that the present case has arisen on account of prevailing land disputes amongst the parties.



Per contra, the learned Special P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also those available in the case diary, this Court finds that miniscule evidence is available in the case diary so as to connect the appellants with the alleged occurrence and moreover, the injuries, if any sustained by the informant and her husband have been found to be simple in nature, hence I deem it fit and proper to direct for release of the appellants on anticipatory bail.

Accordingly, the appellants, above named, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge XX-cum-Special Judge, SC/ST, Patna in connection with Paliganj PS case No. 403 of 2018, subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

Consequently the impugned order dated order dated 19.11.2019 passed by the learned Addl. Sessions Judge-XX-



cum-Special Judge, SC/ST, Patna in Anticipatory Bail Petition
No. 8682 of 2019 arising out of Paliganj P.S. Case No. 403 of
2018 is set aside.

The Appeal stands allowed.

(Mohit Kumar Shah, J)

rinkee/-

U		T	
---	--	---	--

